

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

CHARLES HILL,

Plaintiff,

v.

ISIDRO BACA et al.,

Defendants.

Case No. 3:14-cv-00388-MMD-WGC

ORDER

I. DISCUSSION

Plaintiff, who a prisoner in the custody of the Nevada Department of Corrections (“NDOC”), originally filed his 42 U.S.C. § 1983 civil rights complaint in the U.S. District Court for the Eastern District of New York. (Dkt. no. 1, 6.) The U.S. District Court for the Eastern District of New York transferred the case to the U.S. District Court for the Northern District of California. (Dkt. no. 7.) On July 24, 2014, the U.S. District Court for the Northern District of California transferred the case to this Court. (Dkt. no. 21.)

Plaintiff, *pro se*, has submitted an amended civil rights complaint in addition to several other miscellaneous motions. (Dkt. no. 10, 15, 16, 17, 23, 24, 25, 26.) However, on at least three (3) occasions, the Court has dismissed civil actions commenced by Plaintiff while in detention as frivolous or for failure to state a claim upon which any relief may be granted.¹

¹The Court takes judicial notice of the following cases: *Hill v. Aranas et al*, 3:11-cv-00678-LRH-WGC (dismissed for failure to state a claim); *Hill v. Baca et al*, 3:13-cv-00291-RCJ-WGC (dismissed for failure to state a claim); and *Hill v. Bookout*, 3:13-cv-00382-LRH-WGC (dismissed for failure to state a claim).

1 Pursuant to 28 U.S.C. § 1915(g), “if [a] prisoner has, on 3 or more prior
2 occasions, while incarcerated or detained in any facility, brought an action or appeal in a
3 court of the United States that was dismissed on the grounds that it is frivolous,
4 malicious, or fails to state a claim upon which relief may be granted,” he may not
5 proceed *in forma pauperis* and, instead, must pay the full \$400.00 filing fee in advance
6 unless he is “under imminent danger of serious physical injury.” 28 U.S.C. § 1915(g).

7 In his amended complaint, Plaintiff alleges that a sheriff improperly served a
8 subpoena, the law librarian confiscated his legal documents, prison officials never gave
9 him a copy of his grievances, a doctor discontinued one of his prescription medications
10 in 2013, prison officials improperly screened his grievances, and that he is unable to
11 prepare meaningful documents and papers at the Northern Nevada Correctional Center
12 (“NNCC”). (See *generally* dkt. no. 17.) The Court finds that these allegations fail to
13 plausibly allege that Plaintiff is in imminent danger of serious physical injury. See
14 *Andrews v. Cervantes*, 493 F.3d 1047, 1055 (9th Cir. 2007) (holding that the exception
15 to § 1915(g) applies if the complaint makes a plausible allegation that the prisoner faced
16 imminent danger of serious physical injury at the time of filing). As such, Plaintiff must
17 pre-pay the \$400.00 filing fee in full.

18 **II. CONCLUSION**

19 For the foregoing reasons, it is ordered that this action will be dismissed without
20 prejudice unless Plaintiff pays the \$400.00 filing fee in full within thirty (30) days of entry
21 of this order.

22 It is further ordered that the Clerk of the Court shall send Plaintiff two (2) copies
23 of this order. Plaintiff shall make the necessary arrangements to have one (1) copy of
24 this order attached to the check paying the filing fee.

25 It is further ordered that the Clerk of the Court shall retain the amended complaint
26 (dkt. no. 17).

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1 It is further ordered that a decision on Plaintiff's other motions (dkt. nos. 10, 15,
2 16, 23, 24, 25, 26) shall be deferred until the matter of the filing fee is resolved.

3
4 DATED THIS 1st day of August 2014.

A handwritten signature in blue ink, appearing to read 'Miranda M. Du', is written over a horizontal line.

MIRANDA M. DU
UNITED STATES DISTRICT JUDGE